



9405 SW Gemini Drive, Beaverton, OR 97008 USA
T. +1 503.469.4800 F. +1 503.469.4777 www.digimarc.com

RECEIVED
CENTRAL FAX CENTER

MAY 24 2005

FACSIMILE TRANSMITTAL

DATE: May 24, 2005

RE: U.S. Patent Application No. 09/636,102

TO: Commissioner of Patents

FILED: August 10, 2000

FAX: 703-872-9306

FOR: WATERMARK ENCODER AND DECODER
ENABLED SOFTWARE AND DEVICES

FROM: Joel R. Meyer

ART UNIT: 2174

PAGES: 8 (including cover)

DOCKET NO.: 60259W

☒ Urgent

☐ For Review

☐ Please Reply

FACSIMILE COVER LETTER

Attached is a Reply Brief for the above referenced matter. Please charge any fees which may be required in connection with filing this paperwork and any extension of time, or credit any overpayment, to Deposit Account No. 50-3283.

CERTIFICATE OF FAXING

I hereby certify that these papers are being facsimile transmitted to the US Patent Office, 703-872-9306 on May 24, 2005.

Joel R. Meyer, Reg. No. 37,677
Attorney for Applicant

If you do not receive all pages or if you have problems receiving transmittal, please call us at 503-469-4800.

The information contained in this fax is confidential and may be legally privileged. It is intended solely for the addressee. Access to this fax by anyone else is not authorized. If you have not the intended recipient, any disclosure, copying, distribution or any action you take or fail to take in reliance on it is prohibited and may be unlawful.

JRM:imp 5/24/05 60259

PATENT
RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 24 2005

In re application of:

Response Under 37 CFR § 1.116

Expedited Procedure

Ramos et al.

Art Unit 2174

Application No.: 09/636,102

Filed: August 10, 2000

Examiner: T. Vu

For: WATERMARK ENCODER AND
DECODER ENABLED SOFTWARE
AND DEVICES

Date: May 24, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence and any documents referred to as being attached are being facsimile transmitted to the Patent and Trademark Office to 703-872-9306 on May 24, 2005.



Joel R. Meyer

Attorney for Applicant

REPLY BRIEF

MAIL STOP APPEAL BRIEF-PATENTS
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

JRM:imp 5/24/05 60259

PATENT

Applicant responds to the Examiner's answer as follows:

Claims 2, 5-7 and 9-20 stand finally rejected and appealed. These claims are independently patentable for the reasons set forth in the Appeal Brief and further elaborated below. On page 8, the Examiner has clarified his position that Houser's security object corresponds to the claimed watermark. This reply addresses this clarification as well as the Examiner's new positions stated for the first time in the Answer.

The Examiner now takes the position that Houser's security object corresponds to a watermark, as recited in some of the claims. The Examiner has now made this interpretation of the term "watermark" after moving away from previous citations to Houser's use of the term "watermark." Appellant agrees that Houser's use of the term "watermark" is not applicable to the claims including this term.

A watermark is described in the patent application through descriptions of how it is embedded in media, such as: "Digital watermarking is a process for modifying physical or electronic media to embed a machine-readable code into the media" page 1, lines 22-23; and "The encoder embeds a watermark by altering the host media signal." Page 2, line 2. Houser does not teach such modifying of media to embed or encode a watermark.

As pointed out below, the claims are still patentable over the cited references, even under the Examiner's interpretation of the term, "watermark."

Claim 2

The Examiner contends that Houser anticipates claim 2, suggesting that the claimed watermark corresponds to Houser's security object. Assuming for the sake of argument that the security object is a "watermark" as claimed, Houser fails to teach "a file browser extension for decoding an object identifier from the security object and displaying in an extension of the user interface metadata or an action associated with the media object file via the object identifier." The Examiner refers to a decryptor 820, the security object embedder, and the security information extractor in Houser as possibly corresponding to the claimed file browser extension. But none of these elements decode an identifier from the security object and display, in an

JRM:imp 5/24/05 60259

PATENT

extension of the user interface of a file browser, metadata or an action associated with the media object file via the object identifier. Houser does refer to an "identifier" used to invoke verification processing at col. 15, line 19, but Houser does not teach displaying metadata or an action that is associated with the media object file via this identifier. Rather, this identifier is used to invoke verification processing.

At col. 16, lines 34-51, Houser explains that the results of the verification process can be indicated to a document reviewer by displaying or printing a message. However, Houser does not teach that this displayed or printed message corresponds to metadata or an action that is associated with the security object via the identifier decoded from the object as claimed.

Houser also provides no teaching regarding displaying the metadata or an action in an extension of the user interface of a file browser. In other words, claim 2 specifies that the file browser extension displays the metadata or an action in an extension of the user interface of the file browser. Thus, even assuming that a security object corresponds to the claimed watermark, Houser fails to teach the file browser extension that both decodes an identifier from the security object and displays, in an extension of the user interface of a file browser, metadata or an action associated with the media object file via the object identifier as claimed.

Claim 5

The Examiner contends that Houser's verification processor corresponds to the claimed metadata server. As with claim 2, this is a new position taken by the Examiner not previously stated in the final rejection or advisory action. Appellant disagrees that the verification processor is a metadata server as claimed.

Even assuming that the verification processor corresponds to the claimed metadata server, Houser fails to teach forwarding an object identifier to the verification processor, and displaying metadata or an action returned from this processor in an extension of the user interface of the file browser as claimed.

Claim 6

JRM:imp 5/24/05 60259

PATENT

Houser does not teach a file browser extension that displays in an extension of the user interface of the file browser metadata from the media object file along with metadata returned from the metadata server.

Claim 7

Nothing in the Examiner's response to the Appeal Brief arguments for claim 7 overcomes the fact that Houser fails to teach: "the metadata or action is displayed as a URL link to information or a program associated with the selected media object file" in combination with the other elements of claim 7.

Claim 9

In addition to the positions stated previously, and in reply to the Examiner's response, Houser fails to teach: "a file browser extension"... "displaying in an extension of the user interface one or more options for enabling a user to enter input to control the encoding of the object identifier" as set forth in claim 9. The Examiner relies on col. 13, lines 35-65 as allegedly teaching this aspect of claim 9, yet this passage refers to inserting an "electronic chop," which is unrelated to an object identifier as claimed.

Claim 10

Houser fails to teach an extension to the host application for decoding a watermark from a selected media object file and for displaying in an extension of the user interface of a host application metadata or an action associated with the media object file via the watermark. The Examiner has cited disparate elements of Houser that purportedly teach decoding of a security object and the display of information, yet Houser does not specifically teach the claimed extension to the host application for decoding a watermark and for displaying in an extension of the user interface of the host application metadata or an action as claimed.

Claim 11

JRM:Imp 5/24/05 60259

PATENT

Regarding claim 11, the Examiner has again sought to augment his previous argument by relying on different aspects of Houser. Regardless, Houser fails to teach a listener program for identifying a media object in an HTML document, and for inserting a handler into the document when an object identifier is extracted from the media object, wherein the handler is operable to display metadata linked via the object identifier in response to user input in combination with the other claim elements. The further citations provided in the Examiner's answer fail to establish which program of Houser corresponds to the claimed listener program, and which element of Houser corresponds to the claimed handler. Huntsman fails to provide the elements of claim 11 missing from Houser. Thus, the combination of Houser and Huntsman fail to teach all of the elements of claim 11.

Claim 12

Houser and Huntsman fail to teach or suggest: "the object identifier is decoded from a watermark embedded in the media object." Appellant refers the Board to the earlier discussion about the term watermark, and notes that, in this claim, the watermark is embedded in the media object, which itself, is in an HTML document. If Houser's security object corresponds to a watermark, then in order for Houser's teachings to correspond to the elements of claim 12, the security object would have to be embedded in a media object, which itself, is in an HTML document. Houser does not teach a security object is embedded in a media object, which in turn, is in an HTML document.

Claim 13

Despite the fact that the Examiner now relies on the verification processor in Houser as the claimed metadata server, Houser still does not teach the metadata server of claim 13. Metadata is not retrieved from Houser's verification processor as claimed.

Claim 14

JRM:imp 5/24/05 60259

PATENT

Appellant's position on claim 14 still stands, notwithstanding the new and different citations to Houser by the Examiner. Houser, for example, does not teach receiving a brand identifier from the metadata server as claimed. The Examiner contends that Houser's verification processor corresponds to a metadata server, but the verification processor does not provide a brand identifier as claimed.

Claim 15

Appellant's position on claim 15 needs no further elaboration in view of the positions stated above and in the Appeal brief.

Claim 16

The Examiner appears to contend that Houser's "electronic chop" corresponds to the claimed brand identifier, yet Houser's "electronic chop" is not received from a metadata server as claimed.

Claim 17

Assuming that the Examiner's position is that the "electronic chop" in Houser corresponds to the claimed graphic, this position is incorrect because the electronic chop is not a hot link as claimed.

Claim 18

The new citations provided for claim 18 are unrelated to the elements of claim 18 and are inconsistent with the Examiner's application of Houser to claim 17 upon which claim 18 depends.

Claim 19

Appellant's position regarding claim 19 still stands. Houser fails to teach a method for extending a user interface of a media player as claimed, including extending the user interface of

JRM:imp 5/24/05 60259

PATENT

the media player to include a representation of the metadata associated with the media object, where the metadata is specifically obtained according to the claimed acts.

Claim 20

Appellant refers the Board to the above comments regarding interpretation of Houser's security object as a watermark. In this claim, the media object should be interpreted in the context of the claim, namely, that the method recites "requesting playback of a media object." The watermark is embedded in the media object, and the object identifier is decoded from the watermark.

In view of the above and the previous arguments submitted in the Appeal Brief, the claims are patentable over the cited art.

Date: May 24, 2005

CUSTOMER NUMBER 23735Phone: 503-885-9699
FAX 503-885-9880

Respectfully submitted,

DIGIMARC CORPORATION

By 

Joel R. Meyer

Registration No. 37,677